## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	)	
Plaintiff,	) 8:07CR367 )	
vs.	) DETENTION ORDER	
JAMES C. HART,		
Defendant.	}	
A. Order For Detention  After waiving a detention hearing pursua Act on October 29, 2007 (Filing No. 13), detained pursuant to 18 U.S.C. § 3142(	ant to 18 U.S.C. § 3142(f) of the Bail Reform the Court orders the above-named defendant e) and (i).	
conditions will reasonably assure  X By clear and convincing evidence		
Services Report, and includes the follow X (1) Nature and circumstances of X (a) The crimes: Sexual ex 18 U.S.C. § 2251 (a) years imprisonment a the receipt and poss violation of 18 U.S.C. § five years imprisonment; and the in violation of 18 U. sentence of twenty ye X (b) The offense is a crime (c) The offense involves a (d) The offense involves a (d) The offense involves a (e) The weight of the evidence a X (five years imprisonment; and the in violation of 18 U. sentence of twenty ye X (a) The offense involves a (d) The offense involves a (e) The defendar may affect where Years and Characteristic (a) General Factors:    Years   Years	f the offense charged: xploitation of a juvenile (Count I) in violation of & (e) carries a minimum sentence of fifteen and a maximum of thirty years imprisonment; session of child pornography (Count II) in § 2252A (a)(2) carries a minimum sentence of ment and a maximum of twenty years e possession of child pornography (Count III) S.C. § 2252 (a)(4)(B) carries a maximum ears imprisonment. e of violence - See 18 U.S.C. § 3156(a)(4)(B). a narcotic drug. a large amount of controlled substances, to wit:	

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		The defendant has a prior record of failure to appear at court proceedings.
	(h)	At the time of the current arrest, the defendant was on:
	(D)	
		Probation
		Parole
	(-)	Supervised Release
	(C)	Other Factors:
		The defendant is an illegal alien and is subject to
		deportation.
		The defendant is a legal alien and will be subject to
		deportation if convicted.
		The Bureau of Immigration and Custom Enforcement
		(BICE) has placed a detainer with the U.S. Marshal.
		Other:
.,		
<u>X</u> (		nature and seriousness of the danger posed by the defendant's
		se are as follows: the nature of the charges in the Indictment and the
	deten	dant's criminal history.
	_,	
<u>X</u> (		ttable Presumption
		ermining that the defendant should be detained, the Court also relied
		e following rebuttable presumption contained in 18 U.S.C. § 3142(e)
		the Court finds the defendant has not rebutted
_	<u>X</u> (a)	That no condition or combination of conditions will reasonably
		assure the appearance of the defendant as required and the safety
		of any other person and the community because the Court finds that
		the crime involves:
		X (1) A crime of violence - <b>See</b> 18 U.S.C. § 3156(a)(4)B).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: October 29, 2007. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge